

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

MERCK & CO., INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 06-230 (GMS)
	)	
APOTEX, INC.	)	
	)	
Defendant.	)	

**NOTICE OF APPEAL TO THE UNITED STATES  
COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

Notice is hereby given that Apotex, Inc. ("Apotex"), defendant in the above-named case, hereby appeals to the United States Court of Appeals for the Federal Circuit from the order regarding (D.I. 15) Merck & Co., Inc.'s ("Merck's") motion to dismiss for lack of subject matter jurisdiction (D.I. 84) entered in this action on April 10, 2007.

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Dated: May 10, 2007  
794534 /30234

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**IN THE UNITED STATES DISTRICT COURT  
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**CERTIFICATE OF SERVICE**

I, Kenneth L. Dorsney, hereby certify that on May 10, 2007, the attached document was hand delivered on the following person and was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

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